

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(HARRISONBURG DIVISION)

FREEDOM WATCH, INC.

Plaintiff,

Case No.: 17-cv-00104-EKD

v.

RESPONSE UNLIMITED, INC., PHILLIP
ZODHIATES, AND JOEL BAUGHER,

Defendants.

SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANTS'
MOTION TO DISQUALIFY LARRY KLAYMAN AS PLAINTIFF'S COUNSEL
ON ACCOUNT OF NEW DEVELOPMENT:
ISSUANCE ON FEBRUARY 6, 2018 OF
REPORT OF D.C. BAR BOARD ON PROFESSIONAL RESPONSIBILITY

COME NOW Defendants Response Unlimited, Inc., Phillip Zodhiates, and Joel Baugher, by counsel, and offer this Supplemental Brief In Support of the Motion To Disqualify Larry Klayman As Plaintiff's Counsel, and states as follows:

In Plaintiff's Surreply filed on February 1, 2018 (Docket # 63), Plaintiff stated:

*Second, the characterizations of the status of the ten year old bar proceeding in the District of Columbia, where there has been no sanction issued, as the matter remains before the Board of Professional Responsibility - and in any event once it rules the matter can be taken up to the District of Columbia Court of appeals - are misleading and incorrect. Indeed, the language Case cited were mere findings and a recommendation to the Board of the hearing committee and were incorrect as a matter of fact and law, as Mr. Klayman argued before the Board last fall. **The Board has yet to issue its opinion.***

(Docket #63, **Bold** added).

Five days later, on February 6, 2018, the District Of Columbia Board On Professional Responsibility did issue its "Report And Recommendation Of The Board On Professional Responsibility, a copy of which is attached as **Exhibit 1**.

CONCLUSION

WHEREFORE, for the reasons previously stated, Defendants move to disqualify Larry Klayman from acting as counsel for Plaintiff Freedom Watch, Inc. in this case, and move the Court to deny Larry Klayman's Motion To Appear Pro Haec Vice in this case.

Respectfully submitted this 9th day of February, 2018.

RESPONSE UNLIMITED, INC., PHILLIP
ZODHIATES and JOEL BAUGHER
By Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 9th day of February, 2018, via the electronic notices generated by the CM/ECF system upon counsel for Plaintiff, Jonathan Alden Moseley, Esq. Moseley Legal Associations, LP, contact@jonmoseley.com, and Larry Elliot Klayman, Esq., Klayman Law Firm, leklayman@yahoo.com.

/s/ William E. Shmidheiser, III
Local counsel for Response Unlimited, Inc.,
Phillip Zodhiates and Joel Baugher

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